

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2229

Introduced by Assembly Member Brownley

February 18, 2010

An act to amend Sections 830 and 18961.5 of the Welfare and Institutions Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as amended, Brownley. Mandated child abuse reporting.

Existing law authorizes members of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would additionally authorize the disclosure and exchange of information to occur telephonically and electronically if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. The bill would revise the definition of a multidisciplinary personnel team for purposes of this provision to mean any team of 2 or more persons

created to investigate a report of suspected child abuse, as specified, who are trained in the prevention, identification, and treatment of child abuse, as specified.

Existing law provides that a county may establish a computerized data base system within that county to allow provider agencies to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams for the prevention, identification, management, or treatment of child abuse. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would revise the definition of multidisciplinary personnel teams for purposes of this provision to additionally include any team of 2 or more persons who are trained in the prevention, identification, management, or treatment of child abuse, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 830. (a) Notwithstanding any other provision of law, members
- 4 of a multidisciplinary personnel team engaged in the prevention,
- 5 identification, and treatment of child abuse may disclose and
- 6 exchange information and writings to and with one another relating
- 7 to any incidents of child abuse that may also be a part of a juvenile
- 8 court record or otherwise designated as confidential under state
- 9 law if the member of the team having that information or writing
- 10 reasonably believes it is generally relevant to the prevention,
- 11 identification, or treatment of child abuse. All discussions relative
- 12 to the disclosure or exchange of any such information or writings
- 13 during team meetings are confidential and, notwithstanding any
- 14 other provision of law, testimony concerning any such discussion
- 15 is not admissible in any criminal, civil, or juvenile court
- 16 proceeding.
- 17 (b) Disclosure and exchange of information pursuant to this
- 18 section may occur telephonically and electronically if there is
- 19 adequate verification of the identity of the multidisciplinary

1 personnel who are involved in that disclosure or exchange of
2 information.

3 (c) As used in this section, the following definitions shall apply:

4 (1) "Childabuse" has the same meaning as defined in Section
5 18951.

6 (2) "Multidisciplinary personnel team" means any team of two
7 or more persons *created to investigate a report of suspected child*
8 *abuse made pursuant to Section 11166 or 11166.05 of the Penal*
9 *Code*, the members of which are trained in the prevention,
10 identification, and treatment of child abuse and are qualified to
11 provide a broad range of services related to child abuse. The team
12 may include, but shall not be limited to, all of the following:

13 (A) Psychiatrists, psychologists, marriage and family therapists,
14 or other trained counseling personnel.

15 (B) Police officers or other law enforcement agents.

16 (C) Medical personnel with sufficient training to provide health
17 services.

18 (D) Social service workers with experience or training in child
19 abuse prevention.

20 (E) Any public or private school teacher, administrative officer,
21 supervisor of child welfare attendance, or certified pupil personnel
22 employee.

23 SEC. 2. Section 18961.5 of the Welfare and Institutions Code
24 is amended to read:

25 18961.5. (a) Notwithstanding any other provision of law, any
26 county may establish a computerized data base system within that
27 county to allow provider agencies, as defined in subdivision (h),
28 to share identifying information, as specified in subdivision (c),
29 regarding families at risk for child abuse or neglect, for the purpose
30 of forming multidisciplinary personnel teams, as defined in either
31 paragraph (2) of subdivision (c) of Section 830 or subdivision (d)
32 of Section 18951, for the prevention, identification, management,
33 or treatment of child abuse.

34 (b) Each county shall develop its own standards for defining
35 "at risk" before joining this system. Only information about
36 children or the families of children at risk for child abuse or neglect
37 may be entered into a computerized data base system established
38 pursuant to this section.

1 (c) With regard to a case in which a child or family has been
2 identified as at risk for child abuse or neglect under this section,
3 only the following information shall be entered into the system:

4 (1) The name, address, telephone number, and date and place
5 of birth of family members.

6 (2) The number assigned to the case by each provider agency.

7 (3) The name and telephone number of each employee assigned
8 to the case from each provider agency.

9 (4) The date or dates of contact between each provider agency
10 and a family member or family members.

11 (d) The information may only be entered into the system by, or
12 disclosed to, provider agency employees designated by the director
13 of each participating provider agency. Members of the
14 multidisciplinary personnel teams shall be drawn from these
15 designated employees, or other persons, as specified in Section
16 18961. The heads of provider agencies shall establish a system by
17 which unauthorized personnel cannot access the data contained in
18 the system.

19 (e) The information obtained pursuant to this section shall be
20 kept confidential and shall be used solely for the prevention,
21 identification, management, or treatment of child abuse, child
22 neglect, or both.

23 (f) This section shall not supplant any duties required by the
24 Child Abuse and Neglect Reporting Act (Article 2.5 (commencing
25 with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal
26 Code).

27 (g) No employee of a provider agency which serves children
28 and their families shall be civilly or criminally liable for furnishing
29 or sharing information as authorized by this section.

30 (h) For the purposes of this section, “provider agency” means
31 any governmental or other agency which has as one of its purposes
32 the prevention, identification, management, or treatment of child
33 abuse or neglect. The provider agencies serving children and their
34 families which may share information under this section shall
35 include, but not be limited to, the following entities or service
36 agencies:

37 (1) Social services.

38 (2) Children’s services.

39 (3) Health services.

40 (4) Mental health services.

- 1 (5) Probation.
- 2 (6) Law enforcement.
- 3 (7) Schools.

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